

AN ACT

relating to the deadline for returning a ballot voted by mail.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 86.007, Election Code, is amended by amending Subsections (a), (d), (e), and (f) and adding Subsection (d-1) to read as follows:

(a) Except as provided by Subsection (d), a marked ballot voted by mail must arrive at the address on the carrier envelope:

(1) before the time the polls are required to close on election day; or

(2) not later than 5 p.m. on the day after election day, if the carrier envelope was placed for delivery by mail or common or contract carrier before election day and bears a cancellation mark of a common or contract carrier or a courier indicating a time not later than 7 p.m. at the location of the election on election day.

(d) A marked ballot voted by mail that arrives after the time prescribed by Subsection (a) shall be counted if:

(1) the ballot was cast from an address outside the United States;

(2) the carrier envelope was placed for delivery before the time the ballot is required to arrive under Subsection (a)(1) [~~(a)~~]; and

(3) the ballot arrives at the address on the carrier

1 envelope not later than the fifth day after the date of the
2 election.

3 (d-1) If the deadline for the arrival of a ballot voted by
4 mail~~[, except that if that date]~~ falls on a Saturday, Sunday, or
5 legal state or national holiday, then the deadline is extended to
6 the next regular business day.

7 (e) A delivery under Subsection (a)(2) or (d) ~~[(d)(2)]~~ is
8 timely, except as otherwise provided by this title, if the carrier
9 envelope or, if applicable, the envelope containing the carrier
10 envelope:

11 (1) is properly addressed with postage or handling
12 charges prepaid; and

13 (2) ~~[is sent from an address outside the United~~
14 ~~States, and~~

15 ~~[(3)]~~ bears a cancellation mark of a recognized postal
16 service or a receipt mark of a common or contract carrier or a
17 courier indicating a time before the deadline.

18 (f) The ~~[If the]~~ envelope must ~~[does not]~~ bear the
19 cancellation mark or receipt mark as required by Subsection (e)(2)
20 ~~[(e)(3), a delivery under Subsection (d)(1) is presumed]~~ to be
21 timely ~~[if the other requirements]~~ under this section ~~[are met]~~.
22 ~~[Section 1.006 does not apply to Subsection (d)(3).]~~

23 SECTION 2. Section 87.125(a-1), Election Code, is amended
24 to read as follows:

25 (a-1) Notwithstanding Subsection (a), for an election held
26 on the date of the general election for state and county officers,
27 the early voting ballot board shall convene to count ballots voted

1 by mail described by Sections [~~Section~~] 86.007(d) and (d-1) not
2 later than the 13th day after the date of the election.

3 SECTION 3. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 1151 was passed by the House on May 12, 2017, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1151 was passed by the Senate on May 23, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor